

STILLWATER COUNTY COMMISSIONERS MINUTES

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

EMERGENCY MEETING JANUARY 13, 2017

Present: Commissioners Dennis Shupak, Chair; Maureen Davey and Mark Crago (via teleconference), Members; and Lori Dobitz, Administrative Assistant.
Others Present: Mark Schreiner, Road Superintendent; and Nancy Rohde, County Attorney.

Opened meeting: Commissioner Davey opened the meeting at 11:32 AM.

Prairie Butte Road

Snow Removal: Commissioner Shupak said this emergency meeting has been called for snow removal on Prairie Butte Road. The landowner, Brad Fraley, emailed the county stating he is in need of propane and the road is blown shut with snow.

Mark Schreiner said he need to talk about whether we are going to do it or what we are going to do, and what decisions need to be made to get this taken care of. Commissioner Crago asked the county attorney if the only records that have been found are treating it as if it is a county road. Rohde said that was correct, we have been. Crago asked if a policy has been in an emergency situation that we clean that county road. Rohde said if it has been a medical emergency. Schreiner said the county has cleared the snow out of it before, during this dispute that has been going on for quite awhile (if it is a county road or not). He said last year the road department cleared it once as with the year before, during very extreme snow conditions. Commissioner Davey said he (Fraley) is telling us he is about out of propane which is an emergency to her. Commissioner Crago agreed. Commissioner Davey is of the opinion the county should, but will listen to the county attorney for her advice. Mark Schreiner said he has been there for 4-5 years and has never made this call before for propane. It is a case of do we or not, Schreiner said.

Commissioner Crago asked the county attorney if we are allowed to ask for documentation that he did in fact get propane if we went in and clean this and somebody says why, we can show that he had to get a 90 percent fill on a 500 gallon tank. If the propane truck pulls in there and gives him 100 gallons and he has a 1,000 gallon tank, then we got the wool pulled over our eyes.

Nancy Rohde said she thinks it is perfectly fine to ask him for documentation to show that we are going to treat this as an emergency.

Mark Schreiner will contact the landowner stating the county will clear the road and will require a fill receipt for documentation. Rohde said we need to be thinking about for the

very near future as to what you are going to do with this road. Are you going to give him some direction that you will only do it in extreme weather. We will continue to receive these emails if we don't address it, she said. Commissioner Davey asked if we are pursuing this as a county road, are we deeming it as a county road? Rohde said she will be looking at this to see if we acknowledge or if we have to treat it as a prescriptive road. Regardless of all of that, Rhode said, all of the land owners will be given notice when it is appropriate to give them notice, whether we have to have a district court acknowledge it, etc. He needs to be told directly what you are willing to do, what you are not willing to do. Commissioner Davey agreed and said lets stay on it because it has been ongoing.

Commissioner Crago **MOVED** to plow the road under the following stipulations:

- A. Based on the emergency necessity
- B. The analyzing of the road on going
- C. Documentation of propane fill to justify audit
- D. Visit in near future about what we are doing with the road.

Commissioner Davey **SECONDED**. Discussion: Mark Schreiner asked what if the landowner is not willing to provide documentation. Commissioner Crago said the county can not plow the road in that case. Motion passed unanimously.

Meeting Adjourned: Commissioner Shupak adjourned the emergency meeting at 11:39 AM